

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

EMMA C. et al.,

Plaintiffs,

v.

DELAINE EASTIN, et al.,

Defendants.

NO. C96-4179 TEH

ORDER EXTENDING TIME FOR
DEFENDANT CDE TO COMPLY
WITH REQUIREMENTS OF
COURT'S ORDER

This Court today received a letter dated January 4, 2008 from Defendant California Department of Education, requesting to be "excused" from the requirement in this Court's December 20, 2007 Order that the CDE have three IEP coordinators in place at the Ravenswood School District by January 7, 2008.

There is no excuse with the CDE's failure to comply with the Court's Order in a timely fashion. The CDE cites the "peak two weeks of the end-of-year-holiday" season as a justification for its apparent failure to take even the most basic steps toward compliance, such as holding apparently indispensable staff meetings or determining whether there are scheduled events in which the IEP coordinators must engage.

The Court's Order was filed well over two weeks ago. If the impending holidays were to make compliance impossible, CDE should have sought relief immediately, rather than waiting until the business day before compliance was required. Although the January 4, 2008 letter states that it was delivered by "email," it was not filed electronically, as required by this Court's Order of December 19, 2007 designating this case for electronic filing, nor was it emailed to the Court.

This Court expects and demands responsible and timely compliance with its Orders. They are not open to negotiation. Although CDE is welcome to consult with the District, it is

1 not entitled to additional time to negotiate with the District about how it will comply with
2 orders of this Court.

3 The Court hereby GRANTS Defendant CDE an additional ten days to comply with
4 the Court's December 20, 2007 Order that "[e]ffective January 7, 2008CDE shall place
5 three of its staff or contractors in the District to function as IEP Coordinators." On January
6 17, 2008, Defendant CDE shall file a statement, made under oath by a party with personal
7 knowledge, listing the names of the three individuals placed in the District and certifying that
8 they have been placed in the Ravenswood School District to function as IEP Coordinators. If
9 CDE fails to comply with this Order, the Court will order it to show cause why it not should
10 be held in contempt.

11
12 **IT IS SO ORDERED.**

13
14 Dated: 1/7/08



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT